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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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|------------------------------------|---|----------------------------|
| IN RE ABLE LABORATORIES SECURITIES | : | |
| LITIGATION | : | CIVIL ACTION |
| | : | NO: 05-CV-2681 (JAG) (MCA) |
| | : | |

**LEAD PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL
OF SETTLEMENT, FOR PRELIMINARY CLASS CERTIFICATION,
FOR APPROVAL OF FORM AND MANNER OF
NOTICE, AND FOR SETTING OF FINAL FAIRNESS HEARING**

Lead Plaintiffs Denver Employees Retirement Plan and Dekka International (Ireland) Limited ("Lead Plaintiffs") respectfully move this Court for an order: (1) preliminarily approving the proposed settlement of this action as within the range of possible fairness, reasonableness and adequacy; (2) preliminarily certifying the action as a class action; (3) approving the form and manner of the proposed Notice and Summary Notice to be disseminated to prospective class

members; and (4) setting a date and time for the hearing regarding final approval of the Settlement, Plan of Allocation, class certification, and class counsel's application for attorneys' fees and expenses.

The grounds for this motion are set forth in the accompanying memorandum of law and in the Stipulation and Agreement of Settlement filed contemporaneously herewith (with exhibits). A proposed Preliminary Approval Order is attached hereto as Exhibit 1.

Dated: January 4, 2010

By: /s/ James R. Banko

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